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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,991

11/17/2003

Kevin Hsu

PUSA031026 (15749/446)

2236

23595

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03/25/2005

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EXAMINER

LEE, GUIYOUNG

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EJC

Office Action Summary	Application No. 10/714,991	Applicant(s) HSU, KEVIN	
	Examiner Guiyoung Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chambard (US 4,212,052).

3. Re claims 1-4 and 6: Chambard discloses the claimed lamp shade comprising a shade having two opposite sides (30 and 32 in Fig. 5) separated from each other; and a fastening device mounted on the shade for combining the two opposite sides of the shade together (See Fig. 4). Further, Chambard discloses that the material of the shade is a fabric material (col. 3, lines 17-20) which is foldable, and the shade has a loop shape when being folded. Further, the shade has a planar shape when being expanded (Fig. 5). Furthermore, the fastening device includes two bonding straps each mounted on a respective one of the two opposite sides of the shade (See Fig. 4).

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Waltz (US 4,855,874).

5. Re claims 1-4: Waltz discloses the claimed lamp shade (3 in Fig. 1) comprising a shade having two opposite sides (43 in Fig. 3) separated from each other; and a fastening device mounted on the shade for combining the two opposite sides of the shade together (See 39 in Fig. 5 and col. 4, lines 33-43). Further, Waltz discloses that the material of the shade is a black fabric

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material (col. 3, lines 30-31) which is foldable, and the shade has a loop shape when being folded (col. 3, lines 26-27). Further, the shade has a planar shape when being expanded.

Re claims 5-6: Waltz discloses the fastening device includes two chains each mounted on a respective one of the two opposite sides of the shade, and a slide slidably mounted on either one of the two chains to combine the two chains together (a zipper-type closure mechanism for the closeable opening 39 in col. 4, lines 37-39 and 51 and 53 in Fig. 13). Further, Waltz discloses bonding straps such as a Velcro closure mechanism for the two opposite sides of the shades (a Velcro closure mechanism for the closeable opening 39 in col. 4, lines 37-39 and 49 in Fig. 6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chambard as applied to claim 1 above, and further in view of Korach (US 3,787,676).

Re claim 7: Chambard does not disclose a plurality of first elastic locking plates and a plurality of second elastic locking plates for securing the shade to the upper ring and the lower ring of the lamp. Korach teaches the plurality of first elastic locking plates (48 in Fig. 2) and the plurality of second elastic locking plates (48 in Fig. 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a plurality of elastic locking plates as Korach taught to Chambard's lamp shade because Korach's locking mechanism including a

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plurality of elastic locking plates provides more secure locking mechanism so that the lamp shade is firm, secure and rigid when fully assembled.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY


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Technology Center 2800